 12740 San Fernando Rd. Sylmar, CA 91342	FAX TRANSMITTAL To: US Patent & Trademark Office Examiner Joseph S. Machuga, Art Unit 3762, phone (703) 305-6184 Fax: (703) 872-9306 From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507 Date: November 1, 2004 Pages: Ten (10), Including Cover Page Re: Amendment Under 37 CFR 1.116 for S/N 09/993,086, filed 11/6/2001 (November 6, 2001); Attorney Docket No.: AB-135U	Certificate of Transmission I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on this date: <u>November 1, 2004</u> Typed Name: <u>Karyn M. Murray</u> Signature: <u>[Signature]</u> Date: <u>2004/11/01</u>
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**AMENDMENT AFTER FINAL
EXPEDITED HANDLING REQUESTED**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$110 to Deposit Account (1 page);
- Rescission of Previous Nonpublication Request (1 page); and
- Amendment Under 37 CFR 1.116, responding to a final Office Action mailed July 2, 2004, for Application Serial Number 09/993,086 (7 pages).

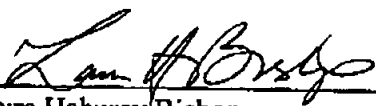
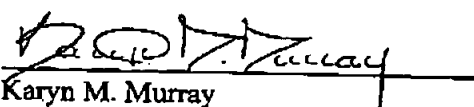
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AMENDMENT TRANSMITTAL LETTER				Attorney Docket No: AB-135U		
Application Serial Number: 09/993,086	Filing Date: 11/6/2001	Examiner: Joseph S. Machuga	Group Art Unit: 3762			
Title: Systems and Methods for Treatment of Obesity and Eating Disorders by Electrical Brain Stimulation and/or Drug Infusion						
TO THE COMMISSIONER OF PATENTS AND TRADEMARKS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21	MINUS	33	0	\$18	\$0
INDEP. CLAIMS	2	MINUS	3	0	\$88	\$0
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of <u>7/2/2004</u> to and through <u>11/1/2004</u> , comprising an extension of the shortened statutory period of: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div> <input checked="" type="checkbox"/> one month (\$110) <input type="checkbox"/> two months (\$430) </div> <div> <input type="checkbox"/> three months (\$980) <input type="checkbox"/> four months (\$1,530) </div> </div>						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						
<input checked="" type="checkbox"/> Charge \$ 110.00 to Deposit Account <u>50-0648</u> . <input checked="" type="checkbox"/> Rescission of Previous Nonpublication Request Enclosed.						
<u>2004 Nov 01</u> Date			 Laura Haburay Bishop Reg. No. 47424			
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on <u>November 1, 2004</u> .						
 Karyn M. Murray						

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NOV 01 2004

Docket No. AB-135U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/993,086
Conf. No.: 7480Applicant: Whitehurst
Filed: November 6, 2001
TC/A.U.: 3762
Examiner: Machuga, Joseph S.Appl. Title: Systems and Methods for Treatment of
Obesity and Eating Disorders by Electrical
Brain Stimulation and/or Drug InfusionDocket No.: AB-135U
Customer No.: 23845

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on this date: November 1, 2004

Typed Name: Karyn M. Murray

Signature: 

Date: 2004 11 01

Commissioner for Patents
Alexandria, VA 22313-1450AMENDMENT AFTER FINAL
EXPEDITED HANDLING REQUESTEDAmendment Under 37 C.F.R. 1.116

Dear Examiner:

This amendment responds to the final Office action mailed 7/2/2004 for the subject application, in which all pending claims, claims 1-6, 16-25, 27-30 and 32, were rejected. An extension fee for response within the first month is being submitted concurrently herewith.

Applicant submits that this amendment places the claims in condition for allowance and/or in better form for consideration on appeal. It is respectfully requested that this amendment be considered and entered.

Remarks begin on page 2 of this paper.

Appl. Ser. No. 09/993,086
Amendment dated November 1, 2004
Reply to final Office action of July 2, 2004

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